REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	12 September 2003
Name of applicant/court:	The District Court at Manukau
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	New Open
Other Known Title(s):	Optical disk entitled "NEW OPEN" - disk reference number MA-D236
Director(s):	Not Stated In English
Producer(s):	Not Stated In English
Publisher:	Not Applicable
Author(s):	Not Applicable
Format:	VCD
Country of Origin:	Japan, Taiwan
Language(s):	Japanese with Chinese Subtitles

Components of film originally examined:

Feature:	New Open	Running Time:	63.42
Trailers:	Copyright Notice / Age Restriction Notice	Running Time:	0.12
		Total Running Time:	63.54

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The VCD entitled *New Open,* also known as *Optical disk entitled "NEW OPEN" – disk reference number MA-D236,* is classified as:
Objectionable.

The publication comprises three scenes of sexual activity involving females who present as being young persons. In two of these scenes, young women are kidnapped or bound and gagged and then raped. These scenes are presented in an explicit and realistic manner and have no purpose other than as a means of sexual arousal. The publication promotes and supports the use of violence to compel women to participate in, or submit to, sexual conduct and promotes and supports the exploitation of young persons for sexual purposes.

The classification of the publication interferes with the freedom of expression, as outlined in s14 of the New Zealand Bill of Rights Act 1990, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) of The Films, Videos and Publications Act 1993 are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of "a free and democratic society" to limit the availability of publications that promote and support the use of violence to compel any person to participate in, or submit to, sexual conduct and that promote and support the exploitation of young persons for sexual purposes.

OFLC No: 301062